

UNITED STATES DISTRICT COURT

for the

DISTRICT OF DELAWARE

EMPAGIO ACQUISITION LLC AND SMB
CAPITAL CORPORATION

Plaintiff

v.

WORKSTREAM INC.,

Defendant

Civil Action No. 08-386

Summons in a Civil Action

To: Workstream Inc.

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Michael J. Maimone, Esq.
Titania Mack Parker, Esq.
Greenberg Traurig, LLP
1007 N Orange Street, Suite 1200
Wilmington DE 19801

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

PETER T. DALLEO

Name of clerk of court

Date:

6/26/08

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3))

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on Workstream Inc
by: Suite 410

2600 Lake Lucien Drive

(1) personally delivering a copy of each to the individual at this place, Maitland, FL 32751; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is

Workstream Inc.

2600 Lake Lucien Drive, Suite 410

Maitland, Florida 32751

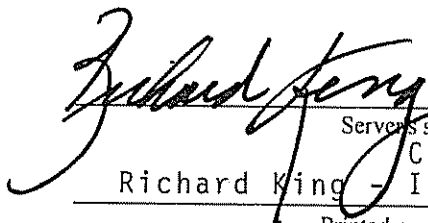
Attn: Steve Purello, Chief Executive Officer

Served via: DIRECT SERVICE TO STEVE PURELLO, Chief Executive Officer/President; or

(4) returning the summons unexecuted to the court clerk on _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date: June 28, 2008



Server's signature
Court Officer
Richard King - Investigator

Printed name and title

801 N. Magnolia Avenue
Orlando, FL 32803

Server's address